

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEES**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**DATE: FEBRUARY 10, 2017**

**NOTE: Note described as follows:**

Date: MAY 13, 2015  
Maker: ALLEGHENY DEVELOPMENT, LLC  
Payee: BMFI LEVERAGE SUB 1, LLC  
Original Principal  
Amount: \$2,000,000.00

2017-21  
FILED FOR RECORD  
AT 12:40 O'CLOCK P.M.  
FEB 13 2017

**DEED OF TRUST:** Deed of Trust described as follows:

Date: MAY 13, 2015  
Grantor: ALLEGHENY DEVELOPMENT, LLC  
Trustee: Bruce Wayne Corley  
Beneficiary: BMFI LEVERAGE SUB 1, LLC  
Recorded: Document No. 00003612, Real Property Records, Navarro County, Texas

SHERRY DOWD, County Clerk  
NAVARRO COUNTY, TEXAS  
BY OT DEPUTY

**LENDER:** BMFI LEVERAGE SUB 1, LLC

**BORROWER:** ALLEGHENY DEVELOPMENT, LLC

**PROPERTY:** The property described as follows:

THE PROPERTY LOCATED IN NAVARRO COUNTY, TEXAS, AS DESCRIBED IN THE DEED OF TRUST AND IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, together with all buildings, structures, fixtures and improvements thereon and any and all appurtenances and rights thereto, ***SAVE AND EXCEPT ANY AND ALL LOTS OR PORTIONS THEREOF THAT HAVE BEEN RELEASED OF RECORD BY THE HOLDER OF THE DEED OF TRUST.***

**SUBSTITUTE TRUSTEE:** SHARON ST. PIERRE, ROBERT LAMONT, KELLY GODDARD, ALLAN JOHNSTON

Substitute Trustee's Mailing Address:

3333 Lee Parkway, 8th Floor  
Dallas, Texas 75219

**DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

MARCH 7, 2017, the first Tuesday of the month, to commence at 10:00 AM, or within three (3) hours after that time.

**PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

In NAVARRO County, Texas, County Courthouse, in the area designated by the Commissioners Court of such County, pursuant to Section 51.002 of the Texas Property Code (if no such place is designated, then the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

#### **RECITALS**

Default has occurred in the payment of the Note and/or in the performance of the obligations under the Deed of Trust that secures the Note. Because of this default, Lender, the owner and holder of the Note and the Deed of Trust lien under Texas Property Code Section 51.002, has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

Formal notice is now given of Lender's election to proceed against and sell the real property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and applicable law.

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, as Substitute Trustee, or any other substitute trustee Lender may appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, according to the Deed of Trust and applicable law. The

sale and conveyance of the Property will be subject to all matters of record applicable to the Property that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property will be sold AS IS, WHERE IS, AND WITH ALL FAULTS.

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

#### **APPOINTMENT OF SUBSTITUTE TRUSTEE**

**DEED OF TRUST:** Deed of Trust described as follows:

Date: MAY 13, 2015  
Grantor: ALLEGHENY DEVELOPMENT, LLC  
Trustee: Bruce Wayne Corley  
Beneficiary: BMFI LEVERAGE SUB 1, LLC  
Recorded: Document No. 00003612, Real Property Records, Navarro County, Texas

**PROPERTY:** The property described as follows:

THE PROPERTY LOCATED IN NAVARRO COUNTY, TEXAS, AS DESCRIBED IN THE DEED OF TRUST AND IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, together with all buildings, structures, fixtures and improvements thereon and any and all appurtenances and rights thereto, ***SAVE AND EXCEPT ANY AND ALL LOTS OR PORTIONS THEREOF THAT HAVE BEEN RELEASED OF RECORD BY THE HOLDER OF THE DEED OF TRUST.***

**SUBSTITUTE TRUSTEE:** SHARON ST. PIERRE, ROBERT LAMONT, KELLY GODDARD, ALLAN JOHNSTON

Substitute Trustee's Mailing Address:  
c/o 3333 Lee Parkway, 8th Floor  
Dallas, Texas 75219

Each Substitute Trustee is appointed effective as of FEBRUARY 10, 2017, pursuant to Texas Property Code § 51.0075 to succeed to all title, powers, and duties of the original or successor trustees under the Deed of Trust.

### **Appointment of Substitute Trustees:**

By:

Name: Michael P. Menton, Attorney for  
BMFI LEVERAGE SUB 1, LLC

**THE STATE OF TEXAS** §  
**COUNTY OF DALLAS** §

BEFORE ME, the undersigned authority, on this day appeared Michael P. Menton, and after being by me duly sworn, stated that he executed the foregoing instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on FEBRUARY 10, 2017.

POLY(1-METHYL-3-AMINO-2-PROPUDE)

**Notice of Sale executed by:**

Sharon ~~D~~ene

Name: Sharou St. Pierre

## Substitute Trustee

EXHIBIT "A"

**TRACT 1: (12.346 ACRES)**

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139 and being a part of the called 34.50 acre Tract One conveyed to Allegheny Development, LLC by First Development Company, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a T post found in the South margin of Spur 294 (Old Highway 287), the Northwest corner of the called 34.50 acre tract and the Northeast corner of a 0.238 acre Tract Six recorded in Volume 1217, Page 859;

THENCE South 74 degrees 27 minutes 31 seconds East 504.30 feet to a wooden right-of-way monument found at the P.C. of a curve;

THENCE around a curve to the left having a central angle of 3 degrees 22 minutes 47 seconds, a radius of 5997.89 feet, a distance of 353.29 feet (Long Chord South 76 degrees 12 minutes 05 seconds East 353.79 feet) to a point at the Northwest corner of the Northshore Harbor Condominium, Phase I, recorded in Instrument No. 7217 (2012), the North line of the 34.50 acre tract and the South margin of Spur 294 (Old Highway 287);

THENCE along the West line of Phase I as follows: South 12 degrees 15 minutes 13 seconds West 103.28 feet, South 2 degrees 36 minutes 00 seconds East 63.78 feet, South 5 degrees 05 minutes 33 seconds West 111.74 feet, South 44 degrees 40 minutes 09 seconds West 35.36 feet, South 3 degrees 12 minutes 41 seconds West 89.14 feet, South 32 degrees 21 minutes 02 seconds West 191.79 feet, North 41 degrees 38 minutes 58 seconds West 69.66 feet, South 48 degrees 16 minutes 04 seconds West 51.51 feet, South 42 degrees 01 minutes 11 seconds East 11.12 feet, South 48 degrees 58 minutes 31 seconds West 192.66 feet and South 73 degrees 46 minutes 16 seconds West 240.60 feet to a point at Elevation 315' in a retaining wall;

THENCE along Elevation 315' and retaining wall as follows: North 15 degrees 17 minutes 00 seconds West 25.99 feet, North 15 degrees 02 minutes 28 seconds West 348.80 feet, North 12 degrees 12 minutes 42 seconds West 107.28 feet, North 25 degrees 27 minutes 15 seconds West 74.37 feet, North 34 degrees 41 minutes 59 seconds West 57.64 feet, North 8 degrees 07 minutes 52 seconds West 39.61 feet, North 62 degrees 22 minutes 01 seconds West 54.14 feet, South 67 degrees 24 minutes 47 seconds West 26.21 feet, North 59 degrees 41 minutes 00 seconds West 197.64 feet, North 45 degrees 29 minutes 57 seconds West 37.15 feet, and North 35 degrees 29 minutes 00 seconds West 31.08 feet to a 1/2" pipe found at the Southwest corner of the called 34.50 acre tract and the South corner of the Gerald Pilarski 2.20 acre tract recorded in Volume 1752, Page 704;

THENCE North 57 degrees 10 minutes 31 seconds East 117.73 feet and North 59 degrees 46 minutes 05 seconds East 56.36 feet to a 1" pipe found at the East corner of the 2.20 acre tract and the South corner of the 0.238 acre tract;

THENCE North 56 degrees 24 minutes 32 seconds East 139.04 feet to the PLACE OF BEGINNING and containing 12.346 acres of land.

**TRACT TWO: (6.725 ACRES)**

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139, and being all of the called 6.77 acre Tract Two conveyed to Allegheny Development, LLC by First Development Company of Texas, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" pipe found at the West corner of the called 6.77 acre tract, the South corner of a 66.693 acre Tract Four recorded in Volume 1217, Page 859 and in the Northeast margin of Spur 294 (Old Highway 287);

THENCE North 58 degrees 43 minutes 10 seconds East 760.33 feet to a point at the North corner of the called 6.77 acre tract, in the Southeast line of the 66.693 acre tract, the North line of a 0.17 acre Surface lease recorded in Volume 1081, Page 150 and the West margin of SE County Road 3190; Witness: Found 3/8" iron rod North 58 degrees 43 minutes East 21.7 feet, Found 3/8" iron rod North 59 degrees 23 minutes East 73.7 feet;

THENCE South 30 degrees 21 minutes 17 seconds East 742.44 feet to a point in the North margin of Spur 294 (Old Highway 287); Witness: Found 1/2" iron rod South 30 degrees 46 minutes East 2.0 feet;

THENCE around a curve to the right having a central angle of 6 degrees 18 minutes 15 seconds, a radius of 5897.89 feet, a distance of 648.93 feet (Long Chord South 77 degrees 39 minutes 49 seconds West 648.60 feet) to the P.T. of a curve;

THENCE North 74 degrees 40 minutes 06 seconds West, continuing along the North margin of Spur 294 (Old Highway 287) 405.82 feet to the PLACE OF BEGINNING and containing 6.725 acres of land.

**TRACT THREE: (15.305 ACRES)**

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139, and being a part of the called 34.50 acre Tract One conveyed to Allegheny Development, LLC by First Development Company of Texas, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" pipe found at the Northeast corner of the called 34.50 acre tract and the Northwest corner of a tract recorded in Instrument No. 95 (2013) and the South margin of Spur 294 (Old Highway 287);

THENCE South 30 degrees 25 minutes 04 seconds East, mostly along fence, 779.75 feet to a 60 d nail set at elevation 315'; Witness: Found 5/8" iron rod South 30 degrees 25 minutes 11 seconds East 27.68 feet;

THENCE along elevation 315' and in some places a steel retaining wall as follows: South 76 degrees 28 minutes 31 seconds West 157.37 feet, South 6 degrees 08 minutes 30 seconds West 192.31 feet, South 2 degrees 21 minutes 20 seconds East 43.60 feet, South 67 degrees 35 minutes 28 seconds West 46.58 feet, North 57 degrees 23 minutes 17 seconds West 43.30 feet, North 75 degrees 15 minutes 27 seconds West 36.14 feet, South 79 degrees 21 minutes 54 seconds West 110.39 feet, South 73 degrees 51 minutes 34 seconds West 6.62 feet, South 72 degrees 56 minutes 30 seconds West 142.25 feet, South 60 degrees 18 minutes 01 seconds West 54.55 feet, South 60 degrees 55 minutes 38 seconds West 131.17 feet, South 80

degrees 52 minutes 17 seconds West 120.51 feet, North 81 degrees 03 minutes 46 seconds West 10.07 feet to a point in Elevation 315' and a retaining wall at the Southeast corner of the Northshore Harbor Condominium Phase I, recorded in Instrument No. 7217 (2012);

THENCE along the East side of Phase I as follows: North 15 degrees 40 minutes 10 seconds West 389.17 feet, North 33 degrees 13 minutes 18 seconds East 91.10 feet, North 25 degrees 48 minutes 12 seconds West 95.32 feet, North 28 degrees 52 minutes 15 seconds East 276.42 feet, North 80 degrees 42 minutes 42 seconds East 65.44 feet, North 1 degrees 34 minutes 09 seconds East 70.67 feet, North 46 degrees 33 minutes 17 seconds West 56.03 feet, North 2 degrees 54 minutes 08 seconds East 136.59 feet, North 29 degrees 13 minutes 54 seconds East 37.24 feet, North 12 degrees 25 minutes 38 seconds East 70.20 feet, South 78 degrees 01 minutes 12 seconds East 82.92 feet and North 11 degrees 58 minutes 48 seconds East 24.42 feet to a point at the Northeast corner of Phase I, the North line of the 34.50 acre tract and the South margin of Spur 294 (Old Highway 287);

THENCE around a curve to the left having a central angle of 2 degrees 22 minutes 00 seconds, a radius of 5997.89 feet, a distance of 247.75 feet (Long Chord South 80 degrees 25 minutes 41 seconds East 247.23 feet to the PLACE OF BEGINNING and containing 15.305 acres of land.

#### TRACT FOUR: (EASEMENT)

An easement for vehicular and pedestrian ingress and egress, on, over and across all driveways, streets, access points and rights of way presently existing or hereafter built or established in any area now within or as hereafter expanded or added to in the Northshore Harbor Condominiums, a condominium regime established as set forth in that certain Condominium Declaration for Northshore Harbor Condominiums executed by Grantor dated July 10, 2012 and recorded in Instrument No. 7217 (2012), Official Public Records of Navarro County, Texas.

Filed for Record in:  
Navarro County  
On: May 27, 2015 at 03:07P  
As a  
Recordings

Document Number: 00003612  
Amount: 126.00  
Receipt Number - 66704  
By:  
Dolly Whitehead

EXHIBIT "A"  
PAGE 3 OF 3

STATE OF TEXAS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me and  
was duly recorded and stamped hereon by me.  
May 27, 2015

Sherry Dowd, COUNTY CLERK  
Navarro County